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**1 — Clean Power Plan to be fully terminated in 10 months, E&E News, 12/15/17**

<https://www.eenews.net/climatewire/2017/12/15/stories/1060069091>

For the first time, U.S. EPA has publicly released a timeline for its review and likely repeal of major climate regulations still on the books. The announcement came as part of the release of the Trump administration's overall regulatory agenda.

**2 — In bid to preserve aquifer, commission considers injecting saltwater deep underground, Baton Rouge Advocate, 12/14/17**

[http://www.theadvocate.com/baton\\_rouge/news/environment/article\\_5e817070-df67-11e7-b91f-ebcdca377751.html](http://www.theadvocate.com/baton_rouge/news/environment/article_5e817070-df67-11e7-b91f-ebcdca377751.html)

The new solution for saltwater creeping into the drinking supply: push it down where it won't be a threat. The Capital Area Groundwater Commission has leased land near the Catholic Life Center on the South Acadian Thruway to build an exploratory well.

**3 — Bayou Bridge Pipeline gets Army Corps permit for Louisiana right of way, New Orleans Times-Picayune, 12/14/17**

[http://www.nola.com/environment/index.ssf/2017/12/bayou\\_bridge\\_pipeline\\_gets\\_arm.html](http://www.nola.com/environment/index.ssf/2017/12/bayou_bridge_pipeline_gets_arm.html)

The controversial Bayou Bridge Pipeline has been granted a permit by the New Orleans District office of the U.S. Army Corps of Engineers to cross southern Louisiana between Nederland, Texas, and St. James Parish, including wetland areas across the Atchafalaya River Basin, the corps announced late Thursday.

**4 — Older, marginal wells increase nationwide, The Oklahoman, 12/15/17**

<http://newsok.com/older-marginal-wells-increase-nationwide/article/5576028>

Marginal — or stripper — wells are defined as those that produce no more than 15 barrels of oil or 90,000 cubic feet of natural gas per day. Those wells represent the vast majority of the operational wells in Oklahoma and throughout the country.

**5 — Xcel wind farm agreement includes local spending pledge, Albuquerque Journal, 12/14/17**

<https://www.abqjournal.com/1106879/xcel-wind-farm-agreement-includes-local-spending-pledge.html>

Xcel Energy's plans for a massive wind farm in eastern New Mexico will bring at least \$57 million in local spending on New Mexico contractors, vendors and labor.

**6 — Analysis: Even with Perry's help, coal is doomed, Houston Chronicle, 12/14/17**

<http://www.houstonchronicle.com/business/columnists/tomlinson/article/Even-with-Perry-s-help-coal-is-doomed-12427564.php>

The economics of burning coal for electricity will eventually overwhelm Trump's and Perry's efforts and lead to more layoffs and bankruptcies, according to Moody's Analytics, a financial analysis firm.

**7 — Harvey overwhelmed some levee systems; future storms could do worse, Houston Chronicle, 12/14/17**  
<http://www.houstonchronicle.com/news/houston-texas/houston/article/Harvey-overwhelmed-levee-systems-Future-storms-12424740.php>

A patchwork of locally managed levees southwest of Houston protects an estimated 143,000 Fort Bend County residents — roughly 20 percent of the county's population — and \$21.5 billion worth of property.

**8 — Climate science debate 'on hold' after White House meeting, E&E News, 12/15/17**  
<https://www.eenews.net/climatewire/stories/1060069087>

The idea of a "red team, blue team" debate to critique climate science — championed by EPA boss Scott Pruitt — has created divisions within the Trump administration, spurring high-level staff discussions at the White House about how to proceed.

**9 — Inspector general to review EPA's 2017 hurricane response, Houston Chronicle, 12/14/17**  
<http://www.houstonchronicle.com/news/texas/article/Inspector-general-to-review-EPA-s-2017-hurricane-12431814.php>  
An internal federal watchdog says it will conduct a wide-ranging review of the Environmental Protection Agency's preparedness and response to the major hurricanes that struck the United States this year.

**10 — Federal tax bill would raise Louisiana's cap for oil revenue that pays for coastal restoration, New Orleans Times-Picayune, 12/14/17**  
[http://www.nola.com/environment/index.ssf/2017/12/federal\\_tax\\_bill\\_would\\_raise\\_l.html#incart\\_river\\_index](http://www.nola.com/environment/index.ssf/2017/12/federal_tax_bill_would_raise_l.html#incart_river_index)  
Louisiana congressional leaders have worked a provision into the Republicans' sweeping tax bill that would substantially raise the limit on offshore oil and gas revenues Louisiana and other Gulf states can use for coastal restoration and protection projects.

**11 — Shoal Creek Conservancy announces new watershed action plan, KVUE, 12/14/17**  
<http://www.kvue.com/news/local/shoal-creek-conservancy-new-watershed-action-plan/499435207>  
The Shoal Creek Conservancy has announced plans for a multi-year watershed action plan to combat the creeks' environmental issues, starting in 2018.

**12 — U.S. Federal Brownfield Legislation: U.S. House of Representatives Passes Amendments, HazMat Magazine, 12/14/17**  
<http://hazmatmag.com/2017/12/u-s-federal-brownfield-legislation-u-s-house-of-representatives-passes-amendments/>  
H.R. 3017 amends the Comprehensive Environmental Response, Compensation, and Liability Act and reauthorizes the United States Environmental Protection Agency's ("EPA") Brownfield Program. The legislation appears to have bipartisan support.

## EPA

### Clean Power Plan to be fully terminated in 10 months

Nina Heikkinen, E&E News reporter

Published: Friday, December 15, 2017

For the first time, U.S. EPA has publicly released a timeline for its review and likely repeal of major climate regulations still on the books.

The announcement came as part of the release of the Trump administration's overall regulatory agenda. In a news conference yesterday afternoon, President Trump touted efforts to roll back regulations.

"We're lifting restrictions on American energy, and we've ended the war on coal. We have clean coal — beautiful, clean coal, another source of energy," Trump said.

EPA highlighted its own efforts at rolling back regulations, noting in a press release the agency had taken 54 deregulatory actions in 2017.

"EPA's plan balances its statutory requirements to issue regulations and its commitment to providing regulatory certainty through improvements to existing regulations that were flawed, outdated, ineffective, or unnecessarily burdensome," EPA Administrator Scott Pruitt said in a statement.

The agency appears to be a month behind schedule on its plans for deciding whether to replace the Clean Power Plan. According to the semiannual Unified Agenda released yesterday, EPA had planned to release an advance notice of proposed rulemaking in November. Earlier this week, the agency's air chief, Bill Wehrum, said he hoped the document would be signed by the administrator in "a few days." It's unclear whether this delay will have an impact on the agency's projection for the release of its notice of proposed rulemaking, currently slated for June 2018.

Meanwhile, the agency is moving forward with its plans for repealing the Obama administration's climate rule for power plants. EPA has suggested it will have a final rule ready in October 2018. The agency is proposing to narrowly consider the "best system of emissions reductions" as applying only to individual stationary sources. The Obama administration had sought to take a systemwide approach.

"The EPA believes that this interpretation is consistent with the CAA's text, context, structure, purpose, and legislative history, as well as with the Agency's historical understanding and exercise of its statutory authority," the agenda read.

The Unified Agenda summary notes that repealing the CPP would avoid \$33 billion in compliance costs but does not highlight potentially lost environmental or economic benefits of the rule.

In its overall summary of its planned actions related to power plant emissions, the agency mentions it is still reviewing EPA's regulations for new and modified power plants. However, there is not a clear timeline in the near term for when that review would occur.

The agency is considering emissions controls on well sites and compressor stations, along with standards for pneumatic pumps and the requirement that a professional engineer certify closed vent system design capacity.

EPA plans to have a notice of proposed rulemaking out in August 2018 and to have a final rule in place by September 2019.

"The reconsidered rule is anticipated to streamline certain areas of the rule in an effort to reduce burden and improve implementation," according to EPA's agenda.

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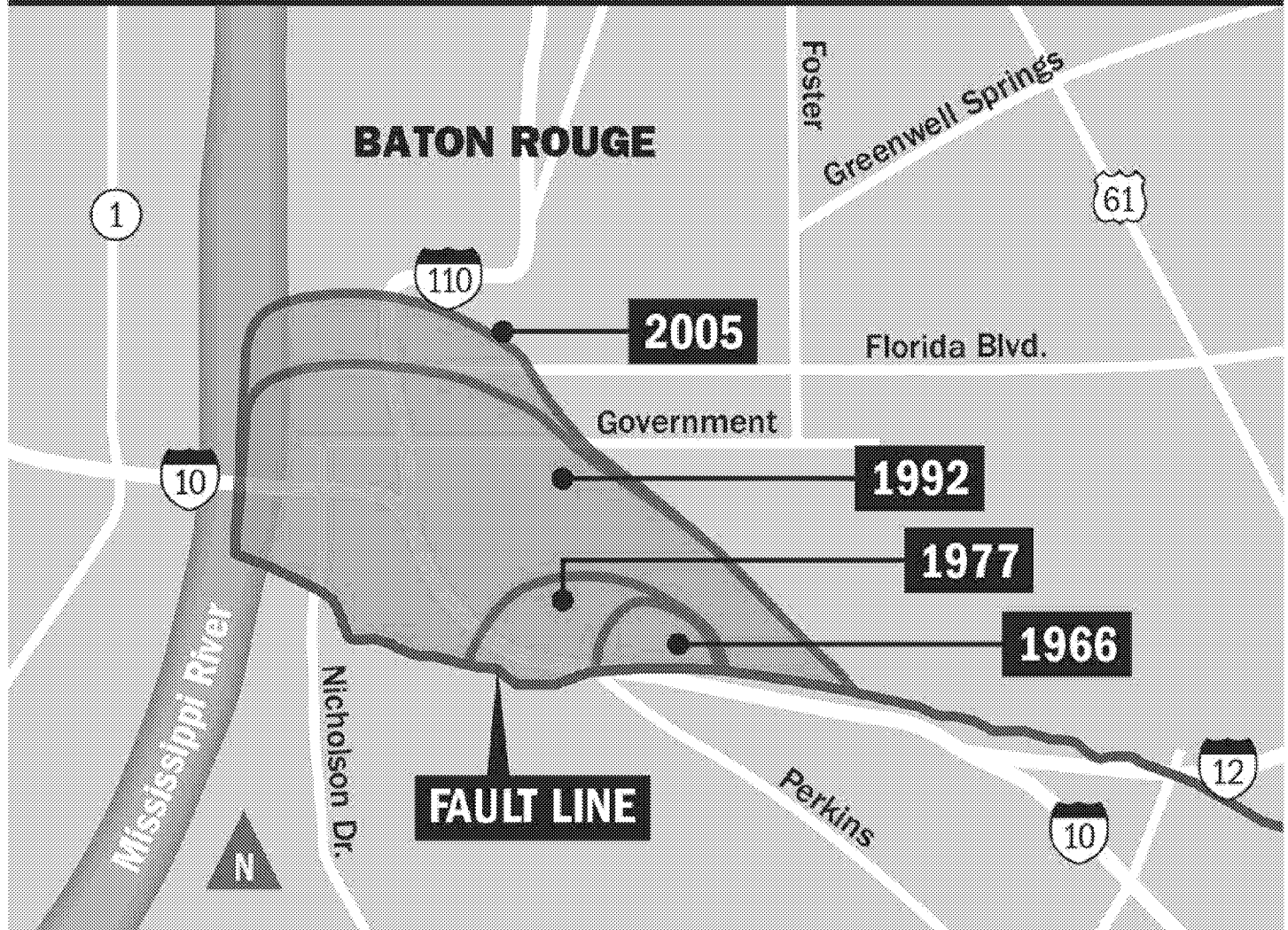
Twitter: @nhheikkinen | Email: nheikkinen@eenews.net

# In bid to preserve aquifer, commission considers injecting saltwater deep underground

BY STEVE HARDY | SHARDY@THEADVOCATE.COM DEC 14, 2017 - 11:58 AM

## EXTENT OF SALTWATER INTRUSION IN AQUIFERS BY YEAR

Samples from wells in the 2,000-foot subterranean sands



Source: U.S. Geological Survey

Advocate map

BY DAN SWENSON | THE ADVOCATE

Steve Hardy

The new solution for saltwater creeping into the drinking supply: push it down where it won't be a threat.

The Capital Area Groundwater Commission has leased land near the Catholic Life Center on the South Acadian Thruway to build an exploratory well. After the commission agreed to the lease at a meeting this week, Chairman Barry Hughhins challenged his colleagues to come up with a timeline, cost estimate and location to build an injection well by the end of 2018.

Saltwater is creeping north across the geological fault that runs along Interstate 12. Several years ago the Baton Rouge Water Company built a scavenger well that sucks up saltwater in the 1,500-foot aquifer, decreasing contamination of the freshwater supply.

*Story Continued Below*

Now, the Groundwater Commission wants to dig a series of three scavenger wells parallel to the fault line in the 2,000-foot aquifer, which supplies tap water, industrial campuses and power plants.

Unlike the existing scavenger well, which redirects the ground water contaminated with salt into the Mississippi River where it's diluted, they're looking to inject the saltwater deep underground — perhaps 8,000 feet — where it can't impact the fresh water supply.

It's an environmentally-friendly, cheap and elegant solution, Huggins said.

"The machine comes up cherries all the way across," he remarked.

Digging the infrastructure will only take a few months, but the commission will need to figure out how much the project will cost and come up with the money.

"Any number I would give you would just be a wild guess at this point. ... We haven't found anywhere else doing this. That's the reason for all the investigation," the chairman said.

## Bayou Bridge Pipeline gets Army Corps permit for Louisiana right of way

Updated Dec 14, 7:19 PM;

Posted Dec 14, 7:20 PM

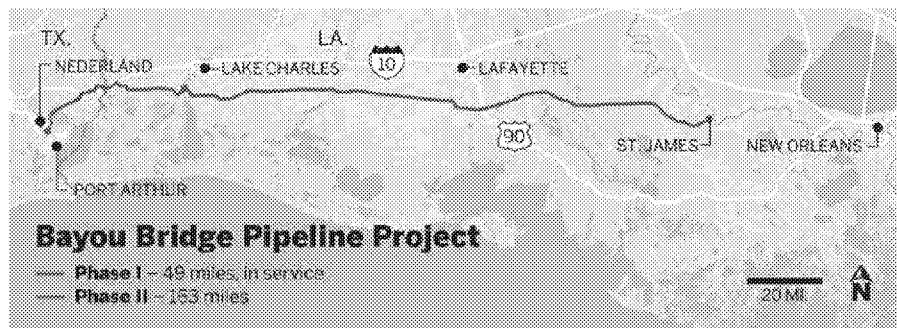
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By **Mark Schleifstein**, [mschleifstein@nola.com](mailto:mschleifstein@nola.com),

NOLA.com | The Times-Picayune

The controversial Bayou Bridge Pipeline has been granted a permit by the New Orleans District office of the U.S. Army Corps of Engineers to cross southern Louisiana between Nederland, Texas, and St. James Parish, including wetland areas across the Atchafalaya River Basin, the corps announced late Thursday (Dec. 14).

The issuance of the permit prompted an immediate response by environmental groups that have led a multi-year campaign against the pipeline because of concerns about its effects on the Atchafalaya basin's wetlands, including the potential for oil spills.



Bayou Bridge Pipeline route map.

"This is just the beginning," said Anne Rolfes, founding director of the Louisiana Bucket Brigade. "We will resist non-violently now. We will put our bodies in the way to prevent this pipeline from being built because this pipeline threatens drinking water, our crawfishermen, and so much that we hold dear."

The pipeline would deliver light and heavy crude oil to the NuStar Energy LP's terminal in St. James Parish. The first phase of the project, which consists of a 30-inch pipeline from Nederland to Lake Charles, went into service in April 2016, according to the Energy Transfer website. The pipeline is a joint venture between ETP and Phillips 66 Partners, LP, in which Energy Transfer has a 60% ownership interest and serves as the operator of the pipeline.

The Corps' decision to issue the permit for construction of a 24-inch diameter crude oil pipeline followed completion of an environmental assessment, review of its compliance with Section 408 of the Clean Water Act, which regulates projects that cross other corps water projects, and consideration of comments received during a public notice and comment period.

"The Corps neither supports nor opposes this project," said Col. Michael Clancy, commander of the New Orleans District. "Our mission is to apply the best science, engineering and information available to determine if a proposed project complies with all regulations under our authority."

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The federal permit on approval of a coastal use permit from the state Department of Natural Resources, which was granted in April, and a water quality certification from the state Department of Environmental Quality, which was granted on Tuesday.

The corps also is requiring the applicant to avoid and minimize impacts to wetlands "to the greatest extent practicable by reducing the proposed project's footprint and pipeline right of way," said a corps news release announcing the decision.

"The 162.5-mile pipeline will temporarily impact 455 acres of jurisdictional wetlands and include conversion of 142 acres of forested wetlands to permanent pipeline right-of-



way, requiring the purchase of 708 acres of mitigation from Corps-approved wetland mitigation banks located within the watershed of impacts," the news release said. "The combination of avoidance, minimization and mitigation will result in zero net loss of jurisdictional wetlands."

The mitigation requirements require the pipeline to buy mitigation credits from 11 separate privately-owned mitigation banks along its routes, which will use the money to restore a variety of wetland types equivalent to wetlands being damaged by the pipeline. That includes freshwater wetlands, cypress and tupelo swamps and other types of natural resource restoration.

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Construction must also comply with provisions aimed at protecting nesting periods for a variety of species of colonial wading birds and other birds, including halting construction during nesting periods. Birds required to be protected include anhinga, cormorant, great blue heron, great egret and snowy egret, all of which have different nesting periods.

Builders of the pipeline also will have to survey the route for the presence of both active and inactive eagle nests. "If a bald eagle nest is discovered within 660 feet of the project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles, with the evaluation to be posted on a U.S. Fish & Wildlife Service [bald eagle web site](#).

Workers will also have to take steps to avoid disturbing the habitat of the Louisiana Black Bear, including protecting bald cypress trees of 36 inches or greater at breast height and restrictions on disposal of food and garbage.

The project will also be required to use a "push-pull" method of installing pipeling through inundated wetlands to reduce damage.

"The Corps carefully weighed the energy benefits of the project while ensuring environmental protections remain in place," said Martin Mayer, Chief of the New Orleans District Regulatory Branch. "We will remain vigilant in monitoring the project to ensure that the pipeline remains in compliance with all permit conditions."

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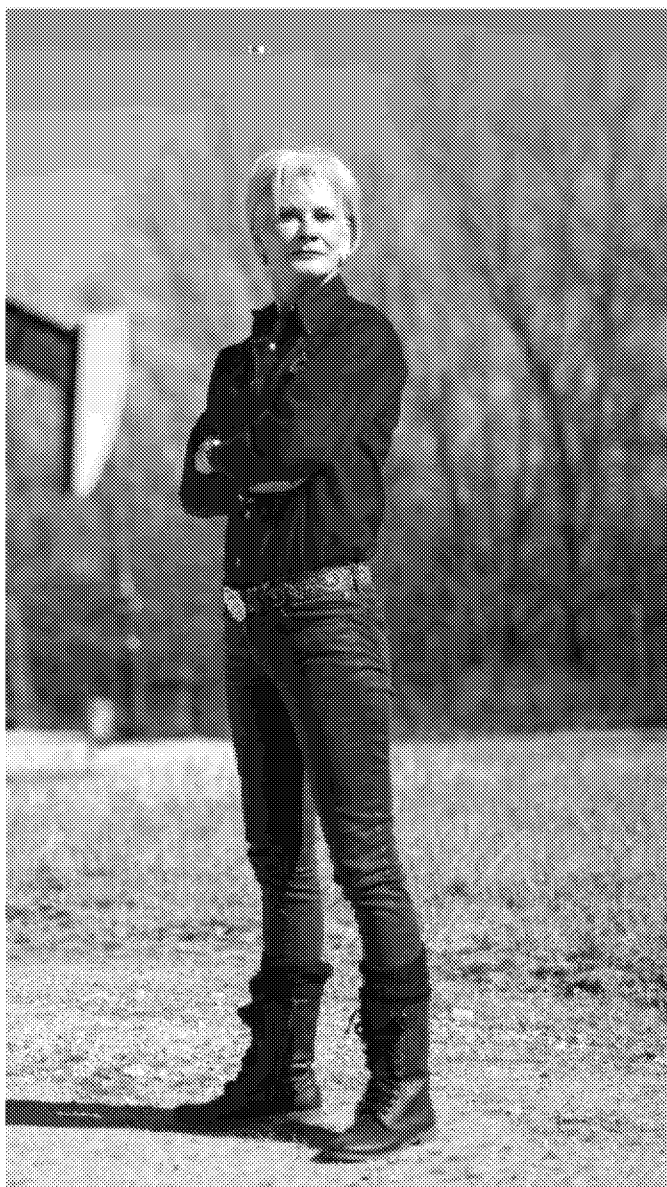
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# Older, marginal wells increase nationwide



by Adam Wilmoth • Published: December 15, 2017 5:00 AM CDT • Updated: December 15, 2017 5:00 AM CDT



Darlene Wallace is president of Seminole-based Columbus Oil Co. and chairwoman of the National Stripper Well Association. Her company operates 27 of the state's more than 70,000 marginal wells. [Photo provided]

Darlene Wallace's 27 Oklahoma oil wells may not overwhelm the state's pipeline and production capacity. But along with the tens of thousands of other older, marginal wells scattered throughout the state, they represent a significant portion of Oklahoma's production and tax base.

"Most of the marginal wells are in rural areas, where they help the jobs and income those parts of the state," said Wallace, president of Seminole-based Columbus Oil Co. and chairwoman of the National Stripper Well Association. "We employ pumpers and roustabouts and all the service industries."

Most of Wallace's wells have been pumping oil since the 1920s, although some were drilled in the 1980s.

Marginal — or stripper — wells are defined as those that produce no more than 15 barrels of oil or 90,000 cubic feet of natural gas per day. Those wells represent the vast majority of the operational wells in Oklahoma and throughout

the country. While their production is overshadowed by the newer, much more prolific horizontal wells, marginal wells promise to continue boosting the state and national economy well into the future, Wallace said.

"Most of them just keep on pumping," she said. "They might pump another 50 or 75 years."



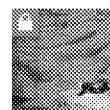
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Oil and natural gas well production typically follows a decline curve where production drops rapidly for the first few years and then levels off at a lower, steady rate. Wells that have been producing for more than half a century are likely to continue at current rates well into the future, as long as there is no mechanical failure or damage from nearby drilling activity.

### Marginals on the rise

In Oklahoma, more than 90 percent of the state's 39,530 oil wells produced less than 15 barrels per day, while only 2.5 percent of the wells produced more than 100 equivalent barrels a day, according to a report the U.S. Energy Information Administration released this week.

Almost 72 percent of the state's 48,039 natural gas wells were considered marginal, with 5.3 percent producing more than 600,000 cubic feet per day.

Nationwide, about 80 percent of the country's nearly 1 million operational wells were marginal last year, and more than one-third produced less than 1 barrel of oil equivalent per day, the report stated.

Total production from those wells has held steady at about 1 million barrels of oil equivalent per day since at least 2000 while total U.S. oil production surged from about 5.5 million barrels per day in 2010 to more than 9 million barrels per day last year.

The recent rapid increase has been fueled by horizontal wells drilled up to three miles long.

Overall, the average U.S. well last year produced 19 barrels of oil or 132,000 cubic feet of natural gas per day.

"However, the distribution is generally skewed, with many wells producing smaller volumes per day and fewer wells producing very large volumes per day," the report stated.

While 80 percent of the country's wells produced 15 barrels of oil equivalent per day or less, only 5 percent of the wells produced more than 100 equivalent barrels per day.

The report included 27 monster wells that produced more than 12,800 barrels a day.

### 'What it takes to get by'

Besides the steady production, marginal wells are essential to Oklahoma because of the affect on state tax collections, Wallace said. Current state tax laws assess a 2 percent gross production tax rate for the first three years of a well's life. After the initial period, production is taxed at 7 percent.

With 13 investors and 27 wells, Wallace's Columbus Oil is relatively large for a marginal well company.

"Marginal well operators are in tune with what it takes to get by," she said. "We have to do it out of our back pocket. We can't sell stock and get more money to do what we want to do."

The oil price downturn over the past three years wiped out the company's profits, but Wallace said she got by in part because of maintenance and upgrades she had installed on her wells and equipment in 2013 and 2014 when oil prices were near or more than \$100 a barrel.

"It's been a tough three years," Wallace said. "I've made a profit in three months in the last three years, but we all just keep chugging along."

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## Xcel wind farm agreement includes local spending pledge

By Kevin Robinson-Avila / Journal Staff Writer

Thursday, December 14th, 2017 at 3:06pm



ALBUQUERQUE, N.M. — Xcel Energy's plans for a massive wind farm in eastern New Mexico will bring at least \$57 million in local spending on New Mexico contractors, vendors and labor.

That's according to a new agreement announced Thursday by the company, the New Mexico Attorney General's Office, the Coalition for Clean Affordable Energy and the environmental group Western Resource Advocates.

Those parties negotiated an accord committing Xcel subsidiary Southwest Public Service Co. to spend at least 30 percent of all construction costs on its planned Sagamore Wind Project in Roosevelt County on New Mexico-based companies and employees. SPS will pay for an independent monitor to help find qualified local businesses and labor and to assure the utility meets the 30 percent spending goal, said Attorney General Hector Balderas in a news conference Thursday with the other parties.

"This investment means that real dollars will go to New Mexico businesses, and that New Mexicans will have real opportunities for prosperity as we work to bring clean, affordable energy to our state," said Attorney General Hector Balderas.

The 522-megawatt wind farm, expected to come online in 2020, will be by far the state's largest wind generation facility. Sagamore is part of a massive, \$1.6 billion regional wind project that also includes construction of a 478 MW facility in West Texas and purchase of 230 MW of wind generation from a nearby facility owned by NextEra Energy. Taken together, those wind farms will provide enough electricity to power about 440,000 average homes annually.

The Sagamore project is still pending approval by the New Mexico Public Regulation Commission. But all groups participating in PRC hearings on the project have already signed a settlement agreement, announced early this week, to support SPS's plans.

That settlement guarantees substantial customer benefits from the project, which SPS says will save roughly \$2.8 billion for some 385,000 consumers in New Mexico and West Texas over 30 years by providing cheaper electricity than could otherwise be obtained from coal or natural gas.

“This project will bring in some of the least-cost wind services for customers,” said David Hudson, Xcel president for New Mexico and Texas. “It’s cheaper than coal, with no environmental emissions nor use of ground water.”

Apart from the 30 percent spending set-aside for New Mexico, SPS also agreed to donate \$25,000 to Mesaland Community College for the Tucumcari-based institution’s North American Wind Research and Training Center.

Contact the writer:

## Pro Football

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# Even with Perry's help, coal is doomed

By Chris Tomlinson | December 14, 2017 | Updated: December 13, 2017 8:17pm

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Photo: Kevin Dietsch

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**IMAGE 1 OF 16**

Rick Perry, U.S. secretary of energy, right, speaks with U.S. President Donald Trump during the Unleashing American Energy event at the Department of Energy in Washington, D.C., U.S., on Thursday, June 29, ... [more](#)

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The thermal coal industry is doomed, no matter how many subsidies Secretary of Energy Rick Perry throws at it.

President Donald Trump has promised to inject new life into coal country, where corporations have laid off thousands and written off millions in bankruptcies. Trump has trashed environmental regulations to make it easier to keep coal plants open and polluting.



Earlier this year, Perry proposed a special subsidy that would force consumers to pay more for electricity from coal-fired power plants as a way to keep demand up.

**RELATED:** Rick Perry wants you to pay more to support coal, nuclear industries

The economics of burning coal for electricity, though, will eventually overwhelm Trump's and Perry's efforts and lead to more layoffs and bankruptcies, according to Moody's Analytics, a financial analysis firm.

"In the U.S., some coal-fired generation may have gained additional time due to the proposed U.S. withdrawal from the Paris Agreement and revision of the Clean Power Plan," the analysis said. "However, these actions will not materially derail decarbonization trends."

Coal's end times are not only in the United States. At least 54 percent of coal-burning power plants in Europe are losing money today, and 97 percent will lose money in 2030, according to Carbon Tracker, an independent think tank specializing in fossil

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#### TRANSLATOR

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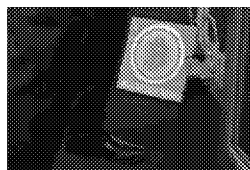
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#### CHRIS TOMLINSON

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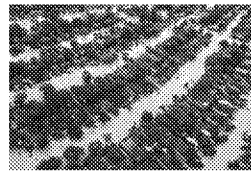


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fuel financial analysis.

"We find that falling renewable energy costs, air pollution regulations and rising carbon prices will continue to undermine the economics of coal power in the EU, potentially making generation assets unusable by 2030," Carbon Tracker's analysis concluded.



**GOP tax bill does not live up to early promises**

Coal's primary problem, of course, is natural gas. Natural gas plants are cheaper to operate, and the fuel is inexpensive and plentiful, according to the U.S. Energy Information Administration.

Building a coal-fired power plant is more expensive than building new wind or solar power generation, and soon existing coal plants will be more expensive to operate, Carbon Tracker reported.

"The operating cost of coal could be higher than the LCOE (levelized cost of energy) of onshore wind by 2024 and solar PV (photovoltaic) by 2027, while battery storage and demand response increasingly provide auxiliary services and peak shaving," the analysis said.

**RELATED:** EPA clears way for more pollution

This dismal future for coal is exactly why miners of coal used in power plants, and the owners of those plants, are twisting Trump's and Perry's arms to grant them special payments. Their excuse is that coal plants should be paid for their reliability.

The decision whether to make such a payment falls to the independent Federal Energy Regulatory Commission, which has already missed Perry's deadline of Dec. 11 to implement his subsidy program. The new chairman said FERC needs time to review industry and public comments on Perry's giveaway, which could be worth hundreds of millions of dollars.

Hopefully, FERC will take the time to read the industry comments closely, because the vast majority of electric power companies vocally object to Perry's coal subsidy. Smart, competitive companies are ready to adapt to a future where the economics of coal no longer make sense, and they want nothing to do with Trump administration crony capitalism that delivers on ill-conceived political promises.



**Chris Tomlinson**

Business Columnist

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\*\*\*\*\* newspapers

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Developing Storm | Part 4

# **Harvey overwhelmed some levee systems. Future storms could do worse.**

By Emily Foxhall

Sailaja Koti paid little attention to the levee near her home in the master-planned community of Riverstone in Fort Bend County. She had moved there for the schools. She trusted her family would be safe.

But after a heavy storm swept through the region on Memorial Day 2015 and the Brazos River began to rise, Koti became worried. Other residents spent the holiday relaxing. Koti

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She immediately grasped a truth that Hurricane Harvey would reinforce: In an extreme storm, levees were all that stood between Riverstone and destruction.

"If they're not working," Koti said, "we are dead."

A patchwork of locally managed levees southwest of Houston protects an estimated 143,000 Fort Bend County residents — roughly 20 percent of the county's population — and \$21.5 billion worth of property.

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## Developing Storm

*Read more by the Chronicle*

Part 1: *A desperate decision*

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It is a battle of man against nature, a small-scale, cobbled-together solution to a problem with no bounds. Harvey flooded at least 900 levee-protected homes in Fort Bend, including about 580 in Riverstone and others in First Colony, New Territory and Sienna Plantation.

### **HARVEY OVERWHELMED SOME LEVEE SYSTEMS. FUTURE...**

The devastation has prompted intense scrutiny of the levees, which were designed to

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withstand a 100-year storm, not events on the scale of Harvey, once regarded as

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Residents who knew little or nothing about the engineering around them now question whether the county's honeycomb of Levee Improvement Districts, to which they pay yearly taxes, can be counted on to guard life and property over the long haul. Versions of the same question confront communities across the Houston region post-Harvey. The next time the water rises, will they be safe?

**'THIS RIVER IS A MONSTER': Brazos River takes homes, roads, bridges in ever-changing path**

Koti, a plant physiologist who studies the effects of climate change on rice crops, moved to Riverstone in 2011 with her husband and her now-10-year-old son. Their home took on a foot of water during Harvey. She would sell if she could. She said she didn't know the word "sheetrock" until a contractor started tearing it out of her waterlogged first floor.

"We feel we are victims of people who wanted to make money," Koti said.



Sailaja Koti walks near a levee that protects her house in Riverstone from the Brazos River. "If they're not working," she said, "we are dead." (Jon Shapley | Houston Chronicle)

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Fort Bend County Judge Bob Hebert, among others, says the widely accepted 100-year storm standard needs to be re-examined. Larry Voice, a civil engineer with the Federal Emergency Management Agency, said the government "would always encourage people to build to a higher standard."

Raising the Fort Bend levees, however, would be expensive and technically difficult. Making a levee taller requires making it wider, which could mean buying out property owners to create room.

There are 20 levee systems in Fort Bend, built over the last 40 years to allow residential development on low-lying land. Homes in seven of the systems flooded during Harvey. Two more are in the works. The levees are small, grass-covered, clay hills with built-in drainage, which encircle, or partially encircle, neighborhoods. The Brazos flows

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Levees guarantee nothing. Engineers and public officials acknowledge that the structures do not offer absolute protection, guarding only against more commonly expected types of floods.

"Given enough time, any levee will eventually be overtopped or damaged by a flood that exceeds the levee's capacity," states a brochure published by the American Society of Civil Engineers.

Harris County has two small levee systems, and county officials don't want any more.

"As long as I work in flood control, they will remain the only two," said Matthew Zeve, director of operations for the Harris County Flood Control District. "I just don't want that risk."

No national regulations dictate how levees should be built. Instead, engineers often design them to meet federal flood insurance standards, which stipulate that they protect against the 100-year flood, an event with a 1-percent chance of occurring in a given year.

Harvey was much worse. It pushed the Brazos to its highest level in at least a century. In Riverstone, the levees' flood gates, through which storm runoff normally drains to the Brazos, shut automatically. Koti's neighborhood became a bowl, dependent on pumps to push out runoff through a pipe. The pumps were not big enough or fast enough to keep water out of homes.

Doug Goff, president and chief operating officer of Johnson Development Corp., the creator of Riverstone, said the fault did not lie with the levees.

"The levee system itself performed perfectly," he said. "The fact of the matter is that the volume of water that came into the community was far exceeding any standard that



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He said the company is open about the fact that Riverstone's 5,200 homes sit next to a river and behind nine miles of levees. Home buyers sign a notice that includes information about the local Levee Improvement District, or LID.

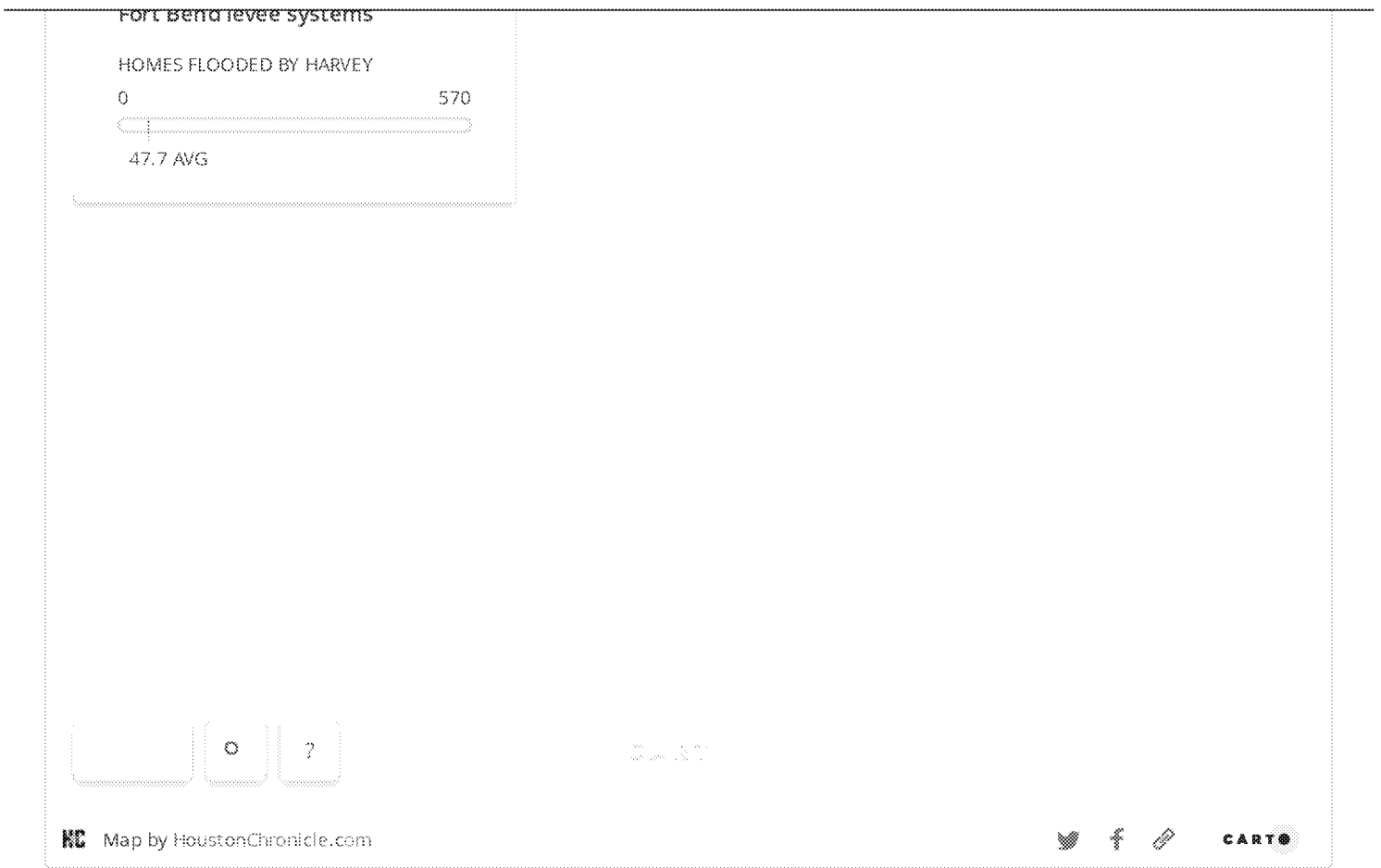
"It's nothing that we try to hide," Goff said.

For a time during Harvey, the community faced a threat much worse than flooded streets and homes. As the storm dragged on, projections indicated that the Brazos might overtop the levees.

"That will kill people," said Hebert, the county judge. "The biggest concern to me is the levees were high enough."

This time, at least.

**When levees aren't enough**



*Sources: Fort Bend Central Appraisal District, Fort Bend County Drainage District, LID and MUD attorneys*

*Reporting by Emily Foxhall | Graphic by Emily L. Mahoney*

*\*Represents total number of homes in both Sienna Plantation levee systems combined, even though they are separated on map*

## 'Economic engine'

Riverstone's story begins nearly 20 years ago, when developers wrestled with how to create it.

Johnson Development envisioned the flood-prone stretch of pasture, woods and former ranch land near the Brazos as an upscale community with man-made lakes. Its website touts "Luxurious Waterside Living." The lakes would double as detention ponds.

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convenient to highways. They would cement the county's reputation as fast-growing, well-educated and diverse.

"Everybody wants to see the highest and best use of the land," said Jeff Wiley, president of the Fort Bend Economic Development Council. "It's been made into an economic engine."

Many of the new communities depended on levees.

To get permission from the county to build Riverstone, Johnson Development had two options: bring in soil to elevate the properties by 3 or 4 feet, or build a levee.

Costello Inc., an engineering firm founded by Steve Costello, now Houston's flood czar, analyzed each possibility for the developer. The engineers concluded that raising the 2,235-acre tract "would not be a feasible alternative," partly because it would be too hard to find and pay for enough dirt. They recommended a levee.

Through creation of a LID, residents would foot the bill.

The process was easy enough. Under Texas law, the owners of a majority of the land within a proposed LID sign a petition. For LID 15, there were two. One was Larry Johnson, chairman and chief executive of Johnson Development. An attorney at Vinson & Elkins filed the engineering report with the county, along with the petition and a \$50 check.

## **Petitioning for LID 15**

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

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*Source: Fort Bend County*

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County commissioners, with support from the Texas Natural Resource Conservation Commission (now the Texas Commission on Environmental Quality), approved the LID on Sept. 19, 2000.

The LID was a miniature government, but with no city hall and no full-time employees. Three county-appointed board members would run it, relying on a hired lawyer, levee operator and other advisers. Costello Inc. became the LID 15 engineer.

In 2006, developers repeated the process to create a second Riverstone levee system, LID 19. The second engineering report, also by Costello, duplicated the first nearly word for word.

Hebert, who had become county judge in 2003, abstained from voting because, at the time, he was a consultant to a company that provided services to LIDs.

The Riverstone LIDs would issue bonds to finance the building of the levees and the first two years' operating costs. Property taxes collected from homeowners would repay the bonds and cover operating expenses in the years that followed. Annual LID tax bills would average \$3,600 in Riverstone. The LID boards set the tax rate.

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A levee protects the Riverstone neighborhood where Steep Bank Creek runs toward the Brazos River. (Mark Mulligan | Houston Chronicle)

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## **A moving target**

Engineers designing the Riverstone levees sought to remove the neighborhood from the 100-year flood plain. That way, homeowners would not have to pay for federal flood insurance.

To remove property from the flood plain, FEMA requires that levees be built at least 3 feet higher than the 100-year river flood.

The standard is a moving target.

While the Riverstone levees were under construction, county and FEMA engineers were studying the history of floods on the Brazos and the contours of the riverbed in order to update federal flood maps. They discovered that the 100-year river flood appeared to be

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County officials, in the late 2000s, urged all levee systems to rebuild to accommodate the new calculations — and to provide a 4-foot margin of safety above the 100-year flood, rather than just the FEMA-mandated 3 feet. The added margin, known as the "Fort Bend foot," was a hedge against future changes in the flood maps.

"If the levees ever get overtopped or breached, like in New Orleans, you can imagine the catastrophe that would occur," said Larry Dunbar, a lawyer and engineer who helped develop the county rules. "We don't ever want to see any of those levees get overtopped and break."

The Riverstone LIDs built their levees to include the "Fort Bend foot," and up to 2 feet more in sections.

A community called Kingdom Heights, originally conceived without a levee, created a LID to build one.

The developer of another Fort Bend subdivision, River's Edge, halted construction to weigh its options. It was an "Oh my goodness" moment, recalled Les Newton, principal of Planned Community Developers Ltd.

Building a levee did not seem feasible because the community was small, so the company elevated properties in the still-unfinished part of the subdivision. The homes already built remained at the lower elevation. About 150 of them flooded during Harvey.

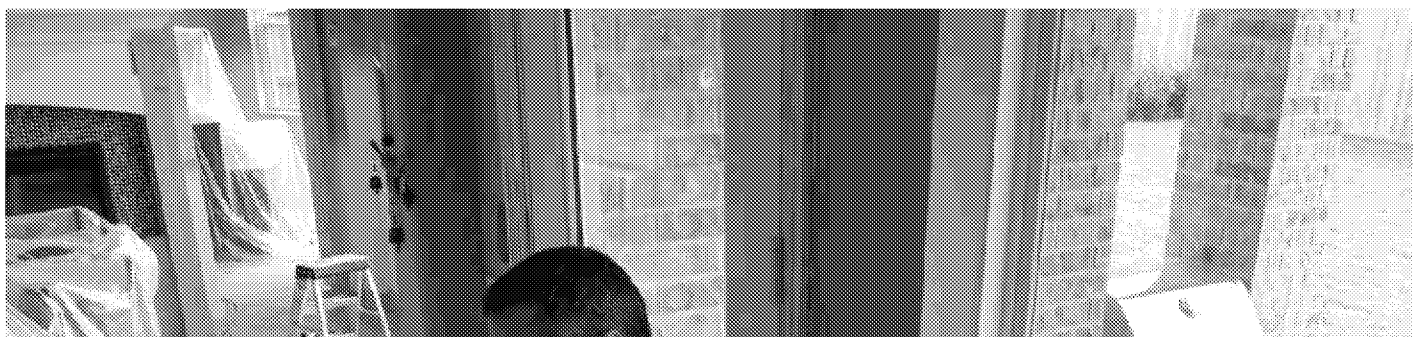




Photo: Jon Shapley/Houston Chronicle

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## IMAGE 1 OF 7

Scott Dorman, who moved to Riverstone from Connecticut with his wife, talks about damage caused by Hurricane Harvey. Dorman's house backs up to a levee. "When I moved here, people said at least you don't have ... more

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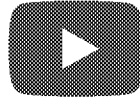
# Levees versus Harvey

Riverstone filled steadily with new arrivals drawn by the lakes, walking paths and quiet cul-de-sacs. They included businessmen, engineers and other professionals.

William Wong, 63, who arrived in 2011 from Sugar Land, said he did not realize the Brazos was so close. He did not buy flood insurance.

"As long as I wasn't in the flood plain, what did I care?" Wong said.

Around Memorial Day 2016, a year after Koti looked over the levee and saw the shocking expanse of water, the river spilled out of its banks again, flooding homes in parts of Fort Bend County but not in Riverstone.



*Sailaja Koti filmed flood waters pressing against the Riverstone levees in 2016.*

Fifteen months later, Harvey struck.

Twelve inches of rain fell in Riverstone from Friday evening, Aug. 25, to Saturday night — half an inch shy of the worst-case-scenario the levee was designed to handle. The water drained into the Brazos through the levee's flood gates.

Twelve more inches fell through Sunday. By then, the river had risen so high that the gates began to close.

Levee operators turned on the pumps. Those in LID 19 could move out 80,000 gallons of water per minute through a pipe that ran through the levee. It wouldn't be enough.

The operator tried frantically to rent more pumps. He eventually found some in Laredo, 300 miles away.

The sense of urgency grew that evening when the National Oceanic and Atmospheric Administration projected the river would reach a height of 59 feet at the gauge in Richmond — within a foot of the levees' minimum required height. If the river hit 60 feet, no one could be sure what would happen.



## Snakes in the water

The river inched up Sunday night. The rain would not stop.

Runoff drained toward Riverstone from other LIDs. The neighborhood is part of a cluster of seven levee systems. They call themselves the Sugar Stone group and invest jointly in the outermost line of levees. Two of them drain into Steep Bank Creek, which winds through Riverstone on its way to the river.

Nancy Carter, the lawyer for the Riverstone LIDs, said she made an "emotional plea" to the other LID officials to shut their gates temporarily to keep water out of an overwhelmed LID 19. One of the LIDs complied immediately. The other waited until water had receded from its own streets to make sure emergency vehicles could get in. By that point, some of Riverstone's homes had already taken on water.

The county issued a voluntary evacuation for LIDs 15 and 19 at 1 a.m. Monday, Aug. 28. It became mandatory that afternoon. Residents in 14 of Fort Bend County's 20 levee systems were under orders to leave their homes.

At a news conference that evening, Hebert, the county judge, emphasized that the levees had been built to the 100-year flood standard. He called Harvey an 800-year flood at the least. He said engineers saw a chance some levees might fail.

"Please — if you live in one of these levee districts, move," he said.

In the Millwood section of Riverstone, jazz musician Vel Lewis had his bags packed. His WiFi and cellphone service were spotty, but he got a text message from someone on the

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Lewis and his wife blocked the doors with rugs. They piled into their car with their 15-year-old niece.

"It's hard to understand exactly what happened," said Lewis, 63. "We kind of felt like sitting ducks."

Water rushed over roads. Their vehicle flooded. They had seen huge snakes in the water, but they had no choice. They waded out, terrified.

A drainage pipe on Steep Bank Creek feeds into the Brazos River, near the master-planned community of Riverstone. (Jon Shapley | Houston Chronicle)

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**'Welcome to paradise'**

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Six days after the evacuation, Riverstone residents could drive home.

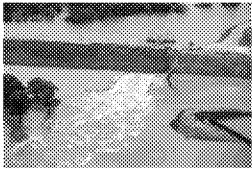
Some had not understood what a LID even was. It had simply been a line on the property tax bill.

An estimated 900 residents showed up for a community meeting, organized by LIDs 15 and 19 at a local high school. They listened to a presentation on the levee systems while it rained outside. The meeting lasted five hours.

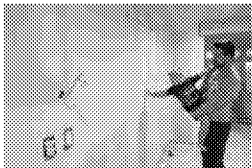
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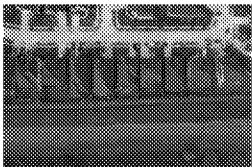
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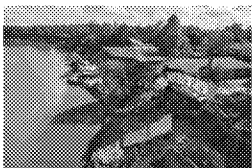
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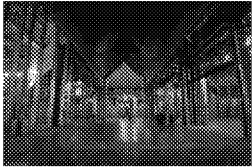
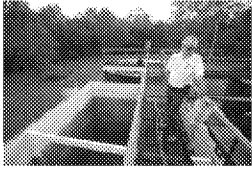


**'The river is a monster': Brazos River takes homes, roads,**

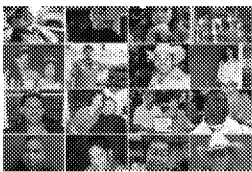
**Repairs to Harvey-damaged San Jac bridge to start early 2018**



**3 wastewater treatment plants offline with \$1M in damages caused**



**Damaged elementary school was built in a flood pool - and Katy**



**Harvey's human toll: Each victim's tale carries its own tragic**

LID officials insisted the levee had not failed; it simply wasn't designed for a storm so big. Residents hollered and booed.

A month later, 57 plaintiffs joined in a lawsuit against LID 19, the levee operator and the Riverstone developer, as well as title companies, home builders and the homeowners association. The suit alleges that flaws in the design, operation and maintenance of the levee system contributed to the flooding. LID 19 has denied the allegations and claimed immunity from the suit.

Residents gathered for their own meetings. They decided to petition to expand the LID 19 board of directors from three to five people. The new directors would be chosen by election, rather than appointed.

One Riverstone resident who is considering running, James Green, 45, said people want to hold LID directors accountable. Green believes there are ways to engineer Riverstone so that it will not flood again, but he's in no hurry to raise the levees.

"If you ask me, we're already paying more than we should to be protected by the levees," Green said. "You've got to do that cost analysis and then weigh that against the actual

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A mile south of Green's home is the colonial-style house where Scott Dorman and his wife Lauren moved in 2015 from a one-acre lot in Connecticut. Their house is next to the levee; the Dormans liked the open space behind it.

They hung a sign on the backyard fence: "Welcome to paradise."

During Harvey, 7 inches of water flooded the home.

"When I moved here, people said, 'At least you don't have to shovel snow,'" said Dorman, 54. "But you can't shovel water."



Scott Dorman looks out at the levee that rises behind his backyard fence. (Jon Shapley | Houston Chronicle)

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After Hurricane Katrina hit New Orleans in 2005, breaching dozens of levees and claiming at least 1,000 lives, Congress created a committee with representatives from the public and private sectors to develop a national levee safety program.

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## THE WAY FORWARD

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There are as many as 145,000 miles of levees in the United States, according to the U.S. Army Corps of Engineers. Most are operated by local authorities, with varying safety standards. Here are ways that experts suggest strengthening levee systems:

- ***Build to the 500-year flood***

Larry Larson, director emeritus of the Association of State Floodplain Managers, said the organization recommends building levees to withstand at least a 500-year flood, an event with a 0.2 percent chance of occurring in a given year. Currently, many are built to the 100-year standard.

- ***Plan for overtopping***

Larson suggests designing levees so that one section can be overtopped without causing the entire structure to crumble. That section would be slightly lower than the rest of the levee and possibly armored with concrete on both sides to prevent erosion.

- ***Take risk into account***

The Army Corps supports risk-based levee design. Under that philosophy, engineers take into consideration what a levee will protect rather than applying a single standard in all cases. A levee that protects lives would be built to a higher standard than one that safeguards agricultural land, for example.

- ***Fund a national levee safety program***

The National Committee on Levee Safety, created by Congress in 2007, recommended development of a nationwide safety code incorporating the best engineering practices and design standards, to be updated at least every 10 years. So far, no national standards for levee systems have been established.

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The committee wrote in a 2009 report: "A look to the future offers two distinct possibilities: one where we continue the status quo and await the certainty of more catastrophes or one where we take reasonable actions and investments in a National Levee Safety Program that turns the tide on risk growth."

The program was never established, but the U.S. Army Corps of Engineers has taken on some of the work.

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it failed.

For Riverstone residents, failure is not an option. They want reassurance their homes will be safe in any storm. LID 19 plans to hire an independent company to assess how the levee performed and what changes might be needed.

On Oct. 10, six weeks after Harvey, levee consultants and board members from the Sugar Stone group of LIDs went on their annual tour of the flood-protection system, driving atop the levees in a slow-moving pickup truck parade.

They noticed a tree trunk on the slope of a ditch. They followed the tracks carved by LID workers who had driven back and forth across the rain-soaked levee during Harvey, looking for areas of weakness. They felt the trucks jostle over holes dug by feral hogs.

The touring officials talked about hunting and golf. They puzzled over a woman's backyard pet cemetery.

They found it remarkable how well the levees had performed.

"The levees did a great job," said Frank Yonish, president of Riverstone's LID 15. "For an 800-year event, it's unbelievable."

Images of the devastation flashed by: trash strewn on the levee slopes, gutted rooms visible between pinned-up window curtains.

In LID 15, new homes were being built.

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*Emily L. Mahoney contributed to this story.*

## EPA

### Climate science debate 'on hold' after White House meeting

Robin Bravender, E&E News reporter

Published: Friday, December 15, 2017



Officials met this week to discuss disagreements about debating climate science. (From left) Mike Catanzaro, Rick Dearborn and Bill Wehrum. Tom Williams (Catanzaro): @JohnHMerrill/Twitter (Dearborn); Hunton & Williams (Wehrum)

The effort by U.S. EPA to publicly debate mainstream climate science is on ice.

The idea of a "red team, blue team" debate to critique climate science — championed by EPA boss Scott Pruitt — has created divisions within the Trump administration, spurring high-level staff discussions at the White House about how to proceed. Earlier this week, EPA air chief Bill Wehrum attended a White House meeting with Trump energy aide Mike Catanzaro, deputy chief of staff Rick Dearborn and others to discuss the future of the debate, according to an administration official.

After the talk, the red team "has been put on hold," according to someone familiar with the meeting.

President Trump has privately told Pruitt he supports a public debate to challenge mainstream climate science, administration officials told E&E News (*Climatewire*, Dec. 11). But the administration isn't unified behind the idea, and an official said prior to this week's meeting that "Pruitt has not been given authorization to go ahead with red team, blue team; there are still many issues to be ironed out."

That came after Pruitt told House lawmakers last week that work on the red team is "ongoing" but that details could be unveiled as early as next month. "We may be able to get there as early as January next year," he said.

It appears there are still some sticking points within the administration, and it's unclear when a formal initiative might be announced and what shape it might take. Conservatives and scientists outside the administration who support the general idea of a climate science red team are also divided over exactly what form it should take and where it should be housed ([see related story](#)).

"There's been speculation that Pruitt and the White House have differences of opinion over how it should be launched and what part of the government should be in charge of it," said a source close to the administration.

Pruitt frequently brings up the idea in interviews and has suggested the debate could air on television. But he typically steers clear of specifics.

"So the red team, blue team approach ... is something that puts experts in a room and lets them debate an issue," Pruitt said on "Fox & Friends" in September. "The American people deserve that type of objective, transparent discussion."



He added: "We know the climate is always changing. We know humans contribute to it in some way. To what degree, to measure that with precision is very difficult. But what we don't know: Are we in a situation where it's an existential threat?"

Asked yesterday about the status of a red team effort, EPA spokeswoman Liz Bowman said, "We will share updates if/when they become available."

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# Inspector general to review EPA's 2017 hurricane response

December 14, 2017 Updated: December 14, 2017 5:03pm

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WASHINGTON (AP) — An internal federal watchdog says it will conduct a wide-ranging review of the Environmental Protection Agency's preparedness and response to the major hurricanes that struck the United States this year.

EPA's Office of Inspector General announced its pending probe in a letter sent Wednesday to senior officials at the agency.

The letter says the review will examine whether EPA adequately protected human health and water resources in the regions affected by hurricanes Harvey, Irma and Maria. The notice says the inspector general's goal is to help the agency better plan and respond to future hurricanes.

The letter did not say how long the review might take.

## **Federal tax bill would raise Louisiana's cap for oil revenue that pays for coastal restoration**

Updated Dec 14, 2:15 PM;

Posted Dec 14, 2:00 PM



Oil and gas structures near Grand Isle on the Louisiana coast. (Courtesy of the Grand Isle Port Commission)

**By Tristan Baurick, [tbaurick@nola.com](mailto:tbaurick@nola.com),**

NOLA.com | The Times-Picayune

Louisiana congressional leaders have worked a provision into the Republicans' sweeping tax bill that would substantially raise the limit on offshore oil and gas revenues Louisiana and other Gulf states can use for coastal restoration and protection projects.

Sen. Bill Cassidy (R-La.) and Rep. Steve Scalise (R-Jefferson) announced the provision Thursday (Dec. 13), about a week before the controversial \$1.5 trillion tax bill is expected to pass Congress and then make its way to President Trump for final approval before Christmas.

Under the Gulf of Mexico Energy Security Act (GOMESA), Louisiana, Texas, Mississippi and Alabama share revenue from offshore drilling in federal waters. The new provision would increase the revenue sharing cap from \$500 million to \$650 million for the two-year period of 2020-21.

It would also allow the sale of 5 million barrels of oil from the Strategic Petroleum Reserve in either 2026 and 2027. This, along with parallel Republican efforts to open more areas to drilling, including the Arctic National Wildlife Refuge in Alaska, would boost overall oil and gas revenue.

A bill by Scalise would expand similar revenue-sharing arrangements to Alaska and oil-producing states along the Atlantic Coast.

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Louisiana had expected \$140 million per year under GOMESA, but lower revenues has raised doubts that the state will get that much. In response, the state on Wednesday announced it would suspend a plan to give 10 percent of its GOMESA money to local infrastructure projects, including upgrades for several roads needed during hurricane evacuations. The decision could be revisited in the next few years if offshore oil revenues increase.

Cassidy said protecting south Louisiana's wetlands and its coastal oil and gas infrastructure go hand-in-hand.

"If we want to protect that asset we need to rebuild the coastline," he said Thursday. "We are making the case about the existential threat erosion poses for Louisiana."

Louisiana is losing wetlands at a rate of about a football field every 100 minutes. Key contributors to coastal land loss are sea level rise, subsidence, storms, oil and gas exploration and levees, which cut wetlands off from land-restoring river sediments. Wetlands also suffer from both large oil spills like the Deepwater Horizon disaster and frequent smaller ones.

Trump had proposed repealing GOMESA in May. State officials said then that the move would devastate the Louisiana's restoration and protection plans.

Cassidy and Scalise offered assurances Thursday that GOMESA is no longer under threat. Cassidy said a recent visit by Trump's interior secretary, Ryan Zinke, helped boost the administration's support for GOMESA.

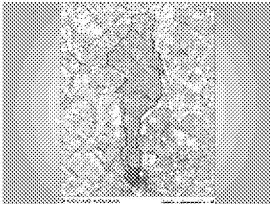
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"He saw how important the coast is, and he saw our efforts to restore it," said Cassidy, who helped lead the trip. "He understands this is a fiscal issue for all of the United States."

# Shoal Creek Conservancy announces new watershed ac

Brittany Daniel, KVUE 12:42 PM, CST December 14, 2017



(Photo: Shoal Creek Conservancy)

AUSTIN - The Shoal Creek Conservancy has announced plans for a multi-year watershed action plan to combat the creeks' environmental issues, starting in 2018.

The conservancy will work with The Meadows Center for Water and the Environment at Texas State University, Austin Watershed Protection Department and engineers at Doucet & Associates to identify problems and work to create a healthy and resilient creek. A grant to the Texas Commission on Environmental Quality from the Environmental Protection Agency (EPA) and the Still Water Foundation will fund the project.

Shoal Creek is an 11-mile creek that spans 13 square miles from downtown to the Domain. The creek begins near U.S. 183 and runs through neighborhoods and commercial areas before emptying into Lady Bird Lake/Town Lake. According to Joanna Wolaver, Executive Director at Shoal Creek Conservancy, the plan "will bring together community stakeholders and technical experts to identify creative, cooperative solutions to address Shoal Creek's challenges."

The conservancy said the community engagement phase of the project will begin in 2018, which will include a multi-year education and outreach campaign to raise awareness people can take to help improve Shoal Creek.

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JOIN THE CONVERSATION

## U.S. Federal Brownfield Legislation: U.S. House of Representatives Passes Amendments

December 14, 2017 / in Column, Environment, News, Remediation, Sustainable Development / by hazzmat1

*By Walter Wright [<http://www.mitchellwilliamsllaw.com/walter-wright/>],  
[Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C.](#)  
[<http://www.mitchellwilliamsllaw.com/#home/>]*

The U.S. House of Representatives ("House") on November 30th passed amendments that would address the federal Brownfield program.

H.R. 3017 is titled the "Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act of 2017" ("H.R. 3017").

H.R. 3017 amends the Comprehensive Environmental Response, Compensation, and Liability Act and reauthorizes the United States Environmental Protection Agency's ("EPA") Brownfield Program. The legislation appears to have bipartisan support.

Residential, commercial, agricultural and industrial properties are sometimes difficult to sell, redevelop, and/or finance because of perceived or real environmental contamination issues. Properties or facilities subject to such impediments are typically called "Brownfields."





The EPA has defined a “Brownfield” as “abandoned, idled, or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.” Besides EPA, many states have Brownfield programs whose purpose is to eliminate unnecessary barriers of the redevelopment of commercial or industrial properties which may have environmental concerns. Arkansas has had such a program for several years.

H.R. 3017 makes several changes to the federal Brownfield related statutory provisions, which include:

- Clarifies the liability of states and local units of government that take title to property involuntarily by virtue of their function as a sovereign
- Clarifies when sites contaminated by petroleum may be considered a Brownfield site and when a leaseholder may qualify for certain liability protections
- Expands eligibility for nonprofit organizations and for eligible entities that took title to a Brownfield site prior to January 11, 2001
- Increases the limit for remediation grants under the Brownfields Program, establishes multipurpose grants and allows recovery of a limited administrative cost
- Adds to the list of criteria for the grant program, whether a grant would facilitate the production of renewable energy
- Allows EPA to provide additional funds for small, rural, and disadvantaged communities and Indian tribes
- Reauthorizes funding for Section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act and Section 128(a) of the same statute

A bill addressing federal Brownfield issues has also been introduced in the Senate ("S. 822"). This bill is denominated the "Brownfields Utilization, Investment, and Local Development Act of 2017."

Issues addressed in S.822 include:

- Funding for technical assistance grants to small communities and rural areas
- Expansion of the scope of eligible grant recipients to include nonprofit community groups
- Authorization of funding from multipurpose grants to address more complex sites
- Allow certain entities that do not qualify as bona fide perspective purchasers to be eligible to receive grants (as long as government entities did not cause or contribute to a release or threaten the release of a hazardous substance at the property)
- Direct EPA in providing grants to give consideration to Brownfield sites located adjacent to federally designated floodplains

A copy of H.R. 3017 can be downloaded here

[<http://www.mitchellwilliamsllaw.com/webfiles/House%20Bill%203017.pdf>]

and copy of Senate Bill 822 here

[<http://www.mitchellwilliamsllaw.com/webfiles/Senate%20Bill%20822.pdf>]

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*This article was first published on the Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. website*

[[Mitchell,%20Williams,%20Selig,%20Gates%20&%20Woodyard,%20P.L.L.C.](#)]

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### ***About the Author***

Walter G. Wright, Jr. is a member of the Business Practice Group. His practice has focused for almost thirty years on environmental, energy (petroleum marketing), and water law. Mr. Wright's expertise includes counseling clients on issues involving environmental permits, compliance strategies, enforcement defense, property redevelopment issues, environmental impact statements, and procurement/management of water rights.

Mr. Wright routinely advises developers, lenders, petroleum marketers, and others about effective strategies for structuring real estate and corporate transactions to address environmental financial risks. He also serves as General Counsel and provides legislative representation to the Arkansas Oil Marketers Association, Arkansas Recyclers Association (scrap facilities) and Arkansas Manufactured



Housing Association. A unique part of his practice has been drafting and negotiation of a variety of specialized agreements involving the sale or consignment of motor fuels along with the ancillary agreements associated with the upstream segment of the petroleum industry.

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